

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/828,480 Confirmation No.: 7194
Applicant : John Lair *et al.*
Filed : April 21, 2004
Title : Wireless Headset For Communications Device
TC/Art Unit : 2681
Examiner: : Wayne Huu Cai

Docket No. : 64337.000002
Customer No. : **21967**

Box Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Please note that this application is filed by co-inventors: John Lair and Anthony J. Sutera. The declaration filed April 21, 2004, with the original application paper is four pages and is signed by both John Lair and Anthony J. Sutera. However, the application as published on March 24, 2005, as U.S. Patent App. Pub. 20050064915, lists only John Lair as an inventor. Applicants request that the patent be issued to both inventors, and accordingly that the names of both inventors, John Lair and Anthony J. Sutera, appear on the printed patent document.

Applicants acknowledge and appreciate the withdrawal of the rejections set forth in the January 13, 2006, Office Action. The Examiner's statement of reasons for allowance states that the Examiner performed an updated search of the prior art. The Examiner notes that no prior art was found that could be applied under 35 U.S.C. § 102. The Examiner has considered evidence of record regarding secondary considerations of nonobviousness in applying 35 U.S.C. § 103. The Examiner states: "Therefore, even though the prior arts found could be combined to teach all limitations within the claims; however, the evidence submitted for secondary considerations were convincing." On this basis, the application is allowed. Applicants note that the Examiner has not identified where in the prior art every limitation of each claim is found in the prior art.

Applicants do not agree that all the limitations within the claims are found in the prior art as the Examiner appears to assert.

Applicants respectfully request that this statement be entered in the application file and the patent be issued with the claims as amended by the Examiner in the Notice of Allowability to co-inventors John Lair and Anthony J. Sutera.

Respectfully submitted,

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By:



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